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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,334	09/22/2005	Gunter Verdickt	NL 030280	1293
24737 7590 09/10/2008 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510				
EXAMINER				
JIANG, YONG HANG				
ART UNIT		PAPER NUMBER		
2612				
MAIL DATE		DELIVERY MODE		
09/10/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/550,334

Applicant(s)

VERDICKT ET AL.

Examiner

YONG HANG JIANG

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 12-13 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 12-13 are directed to a signal, a signal is a natural phenomenon, therefore it is non-statutory as it is not man made.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5, and 10-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Johns et al. (EP 0 974 945 A2).

Regarding claims 1-3, Johns discloses a device (via VCR 15) being remotely controllable by means of a signal, the device having a property which defines at least partially how the device is remotely controllable (via squawk signal identifying type of device it is, See page 3, paragraphs 11-12), the device comprising: transmitting means for transmitting the property (See page 3, paragraph 11-12) to a remote controller for

generating the signal in dependence on the property; and receiving means for receiving the signal (See paragraphs 11-13 and 19-20).

Regarding claim 4, Johns discloses the device is remotely controllable by means of a further signal (via a signal from a personal computer) and is arranged to transmit the property in response to receiving the further signal (See page 5, paragraph 24).

Regarding claim 5, Johns discloses a controller (via remote control unit 12) for remotely controlling a device (via VCR 15) by generating a signal and transmitting the signal to the device, the controller comprising receiving means for receiving a property of the device transmitted by the device (via control unit 12 in receive mode and listens for a squawk signal, See page 3, paragraph 12), the property at least partially defining how the device is remotely controllable (via squawk signal identifying type of device it is, See page 3, paragraphs 11), the controller being arranged to generate the signal in dependence on the received property (See paragraph 13).

Regarding claims 10-13, Johns discloses a system and method comprising: a device (via VCR 15) being remotely controllable by means of a signal, the device having a property which at least partially defines how the device is remotely controllable (See page 3, paragraph 11), the device comprising transmitting means for transmitting the property (via transmitting squawk signal identifying type of device it is, See page 3, paragraphs 11-12), and receiving means for receiving the signal (See page 5, paragraph 19-20); a controller (via remote control unit 12) for remotely controlling the device by generating and transmitting the signal, the controller comprising further receiving means for receiving the property (See paragraph 12), wherein the controller

for remotely controlling the device by generating a signal and transmitting the signal to the device is arranged to generate the signal in dependence on the received property (See paragraphs 11-13 and 19-20).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johns et al.

Regarding claim 6, in the invention of Johns, there is no need to send a further signal to command the device to transmit the property, because the property of the device is automatically transmitted by the device during the controller configuration process. (See paragraphs 11-12). However, programming the controller to generate

and transmit the further signal (a regular signal containing a command) for commanding the device to transmit the property is well within the skill of one of ordinary skill in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Johns to change the controller configuration process to include the controller sending a further signal for commanding the device to transmit the property for controller configuration, thereby making the device transmit the property only when the further signal is received.

Regarding claims 7 and 8, Johns discloses the controller is arranged to use a code for generating the signal, and in that the property at least partially defines the signal. (See paragraph 13)

Regarding claim 9, Johns discloses the controller has a control for remotely controlling the remotely controllable device; the signal is generated and transmitted in response to activating the control (See figure 2); and the property at least partially defines the control (See paragraph 13). Johns did not specifically disclose the controller comprises a display screen. Display screens are well known to be used on devices to aid users in viewing controls or instructions. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the controller of Johns to include a display screen in order to aid users in viewing controls or instructions, thereby making the remote control more convenient to use.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YONG HANG JIANG whose telephone number is (571)270-3024. The examiner can normally be reached on M-F 9:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian A. Zimmerman can be reached on 571-272-3059. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Y. J./
Examiner, Art Unit 2612

/Brian A Zimmerman/
Supervisory Patent Examiner, Art Unit 2612